

REMARKS/ARGUMENTS

Claims 22-41 are pending in the present application. Claims 29, 34, 40 and 41 have been rejected as indefinite under 35 USC § 112, second paragraph. Claims 22-33 and 38-41 have been rejected under 35 USC § 103(a) as obvious over US Pat No 6,095,381 to Schwanenberg in view of US Pat No 6,089,411 to Baudin et al. Claims 22-41 have been rejected on the grounds of double patenting.

By way of the present amendments, claim 22 has been amended to more clearly define the subject matter being claimed. Claims 23 and 29 have been canceled. Claim 24 has been amended to correct dependency, and claims 34, 40 and 41 have been amended to overcome rejection under 35 USC § 112, second paragraph. A terminal disclaimer is also submitted.

Rejection under 35 USC § 112, second paragraph

The Examiner has rejected Claims 29, 34, 40 and 41 as indefinite under 35 USC § 112, second paragraph. Claim 29 has been canceled. Each of claims 34, 40 and 41 has been amended to delete the indefinite terms. In light of these amendments, Applicant submits that the grounds for this rejection have been removed and respectfully request that the rejection be withdrawn.

Rejection under 35 USC § 103(a)

Claims 22-33 and 38-41 have been rejected under 35 USC § 103(a) as obvious over US Pat No 6,095,381 to Schwanenberg in view of US Pat No 6,089,411 to Baudin et al. Claim 22 has been amended to include the limitations of dependent claim 23, which has been canceled.

Applicant respectfully traverses the obviousness rejection. The object of the present invention is to provide a self-closing valve for the dispensing of flowable media from a container. A

further object is to provide a valve with a slitted membrane having a safe dropping (closing or sealing). Thus, the reset forces or hinge moments inside the membrane must be high. Prior art slitted membranes typically have a *non-constant* wall thickness with a decreasing material thickness in relation to the slits in order to enable high hinge moments to the movable parts of the membrane.

In contrast to the prior art, the present invention provides a self-closing valve wherein the contact between the connecting wall and the slitted membrane is configured such that substantially no or only minimal torque is transferred from the connecting wall to the slitted membrane. Thus, any torque or force that is transmitted has virtually no effect on the opening and closing of said slitting.

As a result, only less hinge moments or reset forces are necessary for closing or dropping the valve. This permits membranes of constant wall thickness that are easier and less expensive to manufacture.

Baudin et al. does not teach a self-closing valve having a slitted and self-resetting membrane for dispensing flowable media from a container. In contrast, Baudin et al. teaches the use of a membrane with an aperture (Col. 5, lines 42-43). Sectors 7a to 7d do not interact for closing the valve. The aperture is instead closed by a cross-shaped protuberance 11 which is arranged on an interacting lid 10. The protuberance 11 constitutes a negative form of aperture 5.

Since Baudin et al. does not show or teach a valve with a slitted membrane, and further because the basic closing mechanisms taught by Schwanenberg and Baudin et al. are fundamentally distinguishable from the claimed subject matter, Applicant submits that it would not have been obvious for a

person having ordinary skill in the art to combine these references in the manner suggested by Examiner. Applicant therefore submits that the grounds for the obviousness rejection have been overcome, and that the rejection should be withdrawn.

Double Patenting Rejection

A Terminal Disclaimer is submitted herewith.

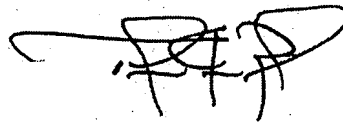
CONCLUSION

It is believed that Claims 22, 24-28 and 30-41 are now in condition for allowance, the same being courteously solicited.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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